

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JENNIFER TAYLOR. } No. C05-0243RSL

Plaintiff,

V.

KAHNE CORPORATION, *et al.*,

Defendants.

No. C05-0243RSL

ORDER TO SHOW CAUSE

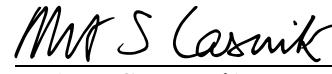
This matter comes before the Court on “Defendants’ Motion to Amend Order on Summary Judgment for Certification for Interlocutory Appeal.” Dkt. # 70. As noted by the Court and acknowledged by defendants, this matter involves issues of first impression regarding the duties owed by upper-tier timber industry contractors to timber cutters such as John M. Clark. The nature and scope of defendants’ duties turn on state, not federal, law. To the extent defendants seek an authoritative ruling regarding their duties, this matter should be presented for expedited review to the Washington State Supreme Court, not the Ninth Circuit.

Having reviewed the submissions of the parties and being fully aware that this Court’s ruling may have a profound effect on the way the timber industry conducts its business in the State of Washington, the parties are hereby ORDERED TO SHOW CAUSE why the following question should not be certified to the Supreme Court: “Did Portac and/or Kahne owe a statutory or common law duty to comply, or ensure compliance with, WISHA regulations at

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1 the Legacy Overlook site?" The parties shall show cause in response to this ORDER on or
2 before Friday, May 19, 2006. The Clerk of Court is directed to renote "Defendants" Motion to
3 Amend Order on Summary Judgment for Certification for Interlocutory Appeal" (Dkt. # 70) on
4 the Court's calendar for May 19, 2006.

5
6 DATED this 4th day of May, 2006.

7
8 
9 Robert S. Lasnik
United States District Judge